

2013 DRAFTING REQUEST

Bill

Received: 1/7/2013	Received By: rkite
Wanted: As time permits	Same as LRB:
For: Natural Resources	By/Representing: Mike Bruhn
May Contact:	Drafter: rkite
Subject: Environment - water quality	Addl. Drafters:
	Extra Copies: RCT

Submit via email: **YES**
 Requester's email: **michael.bruhn@wisconsin.gov**
 Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Storm water discharge permit changes

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	rkite 4/22/2013			_____			
/1	rkite 9/13/2013	jdyer 4/24/2013	rschluet 4/24/2013	_____	mbarman 4/24/2013		State
/2	rkite 12/5/2013	jdyer 9/17/2013	rschluet 9/17/2013	_____	sbasford 9/17/2013		State S&L
/3	rkite	jdyer	jmurphy	_____	lparisi		State

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	1/26/2014	12/10/2013	12/10/2013	_____	12/10/2013		S&L
/4	rkite 2/14/2014	jdye 2/17/2014	jfrantze 1/29/2014	_____	mbarman 1/29/2014		State S&L
/5			rschluet 2/17/2014	_____	srose 2/17/2014	srose 2/17/2014	State S&L

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<END>

AT
INTRO.

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2/17/14 JM

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/? rkite

Handwritten: 1 4 / 24 jld

Handwritten: JP

FE Sent For:

<END>

From: Bruhn, Michael L - DNR [<mailto:Michael.Bruhn@wisconsin.gov>]
Sent: Friday, December 28, 2012 12:53 PM
To: Kite, Robin
Subject: DNR Drafting Request - EPA 75 Package

Hi Robin,

This Session, the Governor's office has asked the agencies to have their Legislative agenda items drafted, prior to providing them to the legislative authors. Below, is the first DNR legislative drafting request. Can I get it in a preliminary draft? Issue #1 may need to be modified based in input from the DOT.

1. Address the permit exemption in 283.33, as it applies to WIS DOT, and transfer permit authority for storm water permitting on transportation projects to the DNR.

Attached are two issue papers created by our attorneys that provide additional information on these issues. Please contact me with any questions or concerns.

Thanks!!

Michael Bruhn
Legislative Liaison
Wisconsin Department of Natural Resources
(☎) phone: (608) 266-5375
(✉) e-mail: michael.bruhn@wisconsin.gov
Website: dnr.wi.gov
Find us on Facebook: www.facebook.com/WIDNR

DATE: January 4, 2013

TO: Paul Heinen

FROM: Bureau of Watershed Management
Division of Water

SUBJECT: 2013-2014 Legislative Proposal

All Information Below Must be Typed.

1. Problem/Issue (Be concise) In a letter dated July 18, 2011, EPA sent a letter to the Department identifying 75 questions or concerns with Wisconsin's legal authority to administer its National Pollutant Discharge Elimination System (NPDES) approved program. Under the Clean Water Act, states with approved NPDES permit programs must have statutes and rules that are at least as stringent as the federal requirements.

The Department has proposed to address the federal issues through four parallel procedures: an Attorney General's Statement verifying state authority (completed), amendments to the Wisconsin-EPA memorandum of agreement (MOA) to administer the NPDES permit program, rule-making revisions (already started) and legislative changes. The changes requested below address three of the 75 issues that are specifically related to the storm water program.

2. Description of Legislation (Provide statute number and a plain English explanation) The suggested changes are as follows:

SECTION 30.2022(1) of the statutes is amended to read:

30.2022(1) Activities affecting waters of the state, as defined in s. 281.01 (18), that are carried out under the direction and supervision of the department of transportation in connection with highway, bridge, or other transportation project design, location, construction, reconstruction, maintenance, and repair are not subject to the prohibitions or permit or approval requirements specified under s. 29.601, 30.11, 30.12, 30.123, 30.19, 30.195, 30.20, 59.692, 61.351, 62.231, or 87.30 or chs. 281 to 285 or 289 to 299 except the permit requirements specified under s. 283.33 shall apply. However, at the earliest practical time prior to the commencement of these activities, the department of transportation shall notify the department of the location, nature, and extent of the proposed work that may affect the waters of the state.

(This change addresses issue 23 in EPA's July 18th letter regarding the permit exemption from s. 283.33 as it applies to the Wisconsin Department of Transportation. The change transfers permitting authority for storm water permitting on transportation projects to the Department of Natural Resources.

The change also addresses issue 26 in EPA's letter concerning the WPDES permit exclusion for certain MS4 dischargers that are in compliance with a Memorandum of Understanding with another state agency. The applicable situation is the comparable MS4 requirements for the Wisconsin



Department of Transportation. This issue is rectified by the repeal of the 283.33, Wis. Stat., exemption found in s. 30.2022(1).)

2011 Wisconsin Act 32 Nonstatutory provisions; Natural Resources is repealed as follows:

SECTION 9135. Nonstatutory provisions; Natural Resources.

~~(2) COMMERCIAL CONSTRUCTION SITE EROSION CONTROL.~~

~~(a) In this subsection, "commercial building site"~~

~~means a building site for construction of public buildings and buildings that are places of employment.~~

~~(b) All rules promulgated by the department of natural resources under section 281.33 (3m), 2009 stats., related to erosion control for commercial building sites that are in effect on the effective date of this paragraph, as determined by the secretary of administration, remain in effect until their specified expiration dates or until amended or repealed by the department of safety and professional services. All orders issued by the department of natural resources that are in effect on the effective date of this paragraph and that are primarily related to erosion control for commercial building sites, as determined by the secretary of administration, remain in effect until their specified expiration dates or until modified or rescinded by the department of safety and professional services.~~

~~(c) Any matter pending with the department of natural resources on the effective date of this paragraph that is primarily related to its commercial building site erosion control responsibilities under section 281.33 (3m), 2009 stats., as determined by the secretary of administration, is transferred to the department of safety and professional services and all materials submitted to or actions taken by the department of natural resources with respect to the pending matters are considered as having been submitted to or taken by the department of safety and professional services.~~

~~(d) Any delegation of the authority to act under section 281.33 (3m), 2009 stats., made by the department of natural resources to a county, city, village, or town that is in effect on the effective date of this paragraph remains in effect until revoked by the department of safety and professional services.~~

~~(e) 1. In this paragraph:~~

~~a. "Commercial building" means a public building or a building that is a place of employment.~~

~~b. "Place of employment" has the meaning given in section 101.01 (11) of the statutes.~~

~~c. "Public building" has the meaning given in section~~

~~101.01 (12) of the statutes.~~

~~2. On or before October 1, 2011, the department of natural resources and the department of safety and professional services shall enter into a memorandum of understanding that does all of the following:~~

- ~~a. Delineates the responsibilities of the department of natural resources under section 281.33 of the statutes, as affected by this act, and the department of safety and professional services under section 101.1206 of the statutes, as affected by this act, in administering erosion control activities at construction sites during and after construction.~~
- ~~b. Delineates the manner in which the department of safety and professional services will regulate erosion control activities at commercial building construction sites of one acre or larger so that those erosion control activities are regulated in a manner that is consistent with the manner in which the department of natural resources regulates erosion control activities under chapter 283 of the statutes, as affected by this act, and rules promulgated under chapter 283 of the statutes, as affected by this act.~~

(This change addresses issue 24 in EPA's July 18th letter regarding the regulation of commercial building sites by the Department of Commerce (now the Department of Safety and Professional Services [DSPS]). This change reinstates the DNR as the permitting authority for commercial building sites.)

- 3. Background (Two paragraphs maximum) These legislative changes will help to resolve the following issues in EPA's July 18, 2011 letter and provide clarification that the statutory provision is consistent with federal law: Issue 23 (storm water permitting exemption for WisDOT transportation projects), Issue 24 (DSPS regulation of commercial building sites for storm water permitting) and Issue 26 (exclusion for certain MS4 dischargers that are in compliance with an MOU with another state agency). Other changes in the 75 issues can be done through rulemaking, MOU changes and manual code updates.
- 4. Past Legislation (Please provide specific bill numbers. If none, leave blank)
- 5. Fiscal Estimate (Your best estimate – you do not need M&B review)
No fiscal impact, just clarifying changes.
- 6. Bureau Contact Mary Anne Lowndes (Runoff Management Section Chief) 261-6420
Jane Landretti (Legal Services) 267-7456

SIGNATURES:

Legal Services _____
Bureau Director _____
Division Administrator _____

Remember: This format is meant to convey proposed changes in policy needing legislation. There will be many of these forms coming to the Secretary, so be brief and concise. There will be time later to detail the issues.



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-1042/24

RNK:.....

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

2013 BILL

- In 4/22
H Gen
- 1 AN ACT ...; **relating to:** activities affecting waters of this state carried out under
2 the direction of the Department of Transportation.✓

navigable waters

Analysis by the Legislative Reference Bureau

Under current law, the Department of Natural Resources (DNR)✓ regulates certain activities that occur in or near navigable waters.✓ In order for a person to conduct an activity in or near a navigable waterway, the person may be required to obtain one or more permits from DNR (navigable waters permits).✓ Among the permits that DNR issues✓ are permits to place structures or deposit material into navigable waters,✓ and permits to remove material from the beds of navigable waters.✓

Current law also generally requires a person who discharges✓ storm water associated with an industrial activity, including construction, or who discharges storm water from certain municipal separate storm sewer systems to obtain a permit from DNR✓ authorizing that activity (storm water discharge permit).✓ These requirements do not apply to activities carried out by the Department of Transportation (DOT).✓

This bill provides that DOT✓ activities that affect waters of this state are subject to storm water discharge permit requirements.✓

For further information see the *state* fiscal estimate,✓ which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

BILL**SECTION 1**

1 **SECTION 1.** 30.2022 (1)[✓] of the statutes is amended to read:

2 30.2022 (1) Activities affecting waters of the state, as defined in s. 281.01 (18),
3 that are carried out under the direction and supervision of the department of
4 transportation in connection with highway, bridge, or other transportation project
5 design, location, construction, reconstruction, maintenance, and repair are not
6 subject to the prohibitions or permit or approval requirements specified under s.
7 29.601, 30.11, 30.12, 30.123, 30.19, 30.195, 30.20, 59.692, 61.351, 62.231, or 87.30 or
8 chs. 281 to [✓]283, except permit requirements specified under ^{s. ✓}283.33, 285 or 289 to
9 299. However, at the earliest practical time prior to the commencement of these
10 activities, the department of transportation shall notify the department of the
11 location, nature, and extent of the proposed work that may affect the waters of the
12 state.

13 History: 2003 a. 118 ss. 48 to 53, 129; 2005 a. 347; 2011 a. 118.

(END)

Kite, Robin

From: Bruhn, Michael L - DNR <Michael.Bruhn@wisconsin.gov>
Sent: Tuesday, September 10, 2013 12:53 PM
To: Kite, Robin
Subject: RE: LRB 1045/1

Thank you!!

Michael Bruhn
Legislative Liaison
Wisconsin Department of Natural Resources
(☎) phone: (608) 266-5375
(✉) e-mail: michael.bruhn@wisconsin.gov
Website: dnr.wi.gov
Find us on Facebook: www.facebook.com/WIDNR

From: Kite, Robin [mailto:Robin.Kite@legis.wisconsin.gov]
Sent: Tuesday, September 10, 2013 12:53 PM
To: Bruhn, Michael L - DNR
Subject: RE: LRB 1045/1

No problem. I'll redraft LRB-1042.

Thanks!
Robin

From: Bruhn, Michael L - DNR [mailto:Michael.Bruhn@wisconsin.gov]
Sent: Tuesday, September 10, 2013 11:24 AM
To: Kite, Robin
Subject: RE: LRB 1045/1

ARGGHHHH..... Sorry about that!!!!!! Yes, 1042 is correct. (they will be going all back together, once this change is made for DOT in to one draft that has all four of the EPA issues). I am very sorry for the confusion about that!!

Michael Bruhn
Legislative Liaison
Wisconsin Department of Natural Resources
(☎) phone: (608) 266-5375
(✉) e-mail: michael.bruhn@wisconsin.gov
Website: dnr.wi.gov
Find us on Facebook: www.facebook.com/WIDNR

From: Kite, Robin [mailto:Robin.Kite@legis.wisconsin.gov]
Sent: Tuesday, September 10, 2013 11:20 AM
To: Bruhn, Michael L - DNR
Subject: RE: LRB 1045/1

Mike:

After talking with Jane Landretti, it occurred to me that the redraft instructions should apply to LRB-1042 and not LRB-1045. So I will proceed with a redraft of LRB-1042 in accordance with my conversation with Jane. Let me know if you agree that I should redraft LRB-1042 instead of LRB-1045.

Thanks.
Robin

From: Bruhn, Michael L - DNR [<mailto:Michael.Bruhn@wisconsin.gov>]
Sent: Tuesday, September 10, 2013 9:48 AM
To: Kite, Robin
Subject: RE: LRB 1045/1

Any time!

Michael Bruhn
Legislative Liaison
Wisconsin Department of Natural Resources
(☎) phone: (608) 266-5375
(✉) e-mail: michael.bruhn@wisconsin.gov
Website: dnr.wi.gov
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Subject: RE: LRB 1045/1

Thanks.

Robin

From: Bruhn, Michael L - DNR [<mailto:Michael.Bruhn@wisconsin.gov>]
Sent: Tuesday, September 10, 2013 9:48 AM
To: Kite, Robin
Cc: Landretti, Jane R - DNR
Subject: RE: LRB 1045/1

I am going to have Jane Landretti (attorney) and Dave Siebert (program) call you to explain. I hope that helps. If you need anything additional, please let me know.

Thanks!

Michael Bruhn
Legislative Liaison
Wisconsin Department of Natural Resources
(☎) phone: (608) 266-5375
(✉) e-mail: michael.bruhn@wisconsin.gov
Website: dnr.wi.gov
Find us on Facebook: www.facebook.com/WIDNR

From: Kite, Robin [<mailto:Robin.Kite@legis.wisconsin.gov>]
Sent: Tuesday, September 10, 2013 9:31 AM

To: Bruhn, Michael L - DNR
Subject: RE: LRB 1045/1

Mike:

Maybe I'm missing the point of these suggested changes, but they seem to be completely outside the scope of the current draft. Could you have someone provide me with an explanation of the problem that these changes are intended to address?

Thanks.
Robin

From: Bruhn, Michael L - DNR [mailto:Michael.Bruhn@wisconsin.gov]
Sent: Monday, September 09, 2013 4:16 PM
To: Kite, Robin
Subject: LRB 1045/1

Hi Robin,

Our EPA 75 draft needs a couple of modifications to keep out friends at DOT happy. Below are the modifications they are requesting... Please let me know if you have any questions.

Thanks!!!

WisDOT Proposed Language

EXEMPTION Language

30.2022 Activities of department of transportation.

30.2022(1)(1) Activities affecting waters of the state, as defined in s. 281.01 (18), that are carried out under the direction and supervision of the department of transportation in connection with highway, bridge, or other transportation project design, location, construction, reconstruction, maintenance, and repair are not subject to the prohibitions or permit or approval requirements specified under s. 29.601, 30.11, 30.12, 30.123, 30.19, 30.195, 30.20, 59.692, 61.351, 62.231, or 87.30 or chs. 281 to 285, or 289 to 299. However, at the earliest practical time prior to the commencement of these activities, the department of transportation shall notify the department of the location, nature, and extent of the proposed work that may affect the waters of the state.

(2m) The exemption in sub. (1) does not apply to permit requirements specific under s.283.33, providing that such storm water discharges are eligible for transportation –specific general permits promulgated pursuant to s. 283.33(1m).

Non-statutory Note:

The bill does not become effective until the transportation-specific general storm water permits required under s.283.33(1m) have been

promulgated and are in effect for storm water discharges from transportation projects and facilities under the direction and supervision of the Department of Transportation.

283.33 Storm water discharge permits.

(1m) DEPARTMENT OF TRANSPORTATION PROJECTS

The Department shall promulgate transportation-specific general permits to regulate storm water discharges from transportation projects and facilities under the direction and supervision of the department of transportation which shall incorporate the interdepartmental liaison procedures defined in sub. 30.2022(2) and standards, procedures and substantive requirements established in administrative rules promulgated pursuant to them.

Michael Bruhn
Legislative Liaison
Wisconsin Department of Natural Resources
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(✉) e-mail: michael.bruhn@wisconsin.gov
Website: dnr.wi.gov
Find us on Facebook: www.facebook.com/WIDNR

9/10/13

Attorney Jane Landretti from DNR called to explain DOT's requested language.

EPA has determined that the exemption under s. 30.2022 for DOT projects with respect to s. 283.33 permits does not satisfy the Clean Water Act. EPA says that DOT must have a waste water discharge permit just like anyone else.

DOT does not want to have to get this same permit so it wants a general permit to cover transportation projects. But Jane says that DNR has already issued a general permit under s. 283.35 for construction projects and DOT could just get coverage under that general permit. DOT wants its own general permit instead. EPA will allow this but Jane says that the permit will still have to be consistent with other general permit requirements and the requirements of the CWA so that as a practical matter the permit will be similar to the one that DNR has already issued under s. 283.35.

I explained to Jane that the "non-statutory note" language should really take the form of a delayed effective date. That is, the requirement for DOT to seek coverage under a general permit will not take effect until DOT issues that general permit. I asked Jane how long it will take to issue the permit and she said that it will take about 6 months so that a 9 month deadline in the draft would be reasonable.

RNK



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State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-1042/19
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2013 BILL

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- 1 AN ACT *to amend* 30.2022 (1) of the statutes; **relating to:** activities affecting
2 waters of this state carried out under the direction of the Department of
3 Transportation.✓

Analysis by the Legislative Reference Bureau

Under current law, the Department of Natural Resources (DNR) regulates certain activities that occur in or near navigable waters. In order for a person to conduct an activity in or near a navigable waterway, the person may be required to obtain one or more permits from DNR (navigable waters permits). Among the navigable waters permits that DNR issues are permits to place structures or deposit material into navigable waters, and permits to remove material from the beds of navigable waters.

Current law also generally requires a person who discharges storm water associated with an industrial activity, including construction, or who discharges storm water from certain municipal separate storm sewer systems to obtain a permit from DNR authorizing that activity (storm water discharge permit). These requirements do not apply to activities carried out by the Department of Transportation (DOT).

This bill provides that DOT activities that affect waters of this state are subject to storm water discharge permit requirements.

✓
BILL

INS
ANALYSIS

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 30.2022 (1) of the statutes is amended to read:

2 30.2022 (1) Activities affecting waters of the state, as defined in s. 281.01 (18),
3 that are carried out under the direction and supervision of the department of
4 transportation in connection with highway, bridge, or other transportation project
5 design, location, construction, reconstruction, maintenance, and repair are not
6 subject to the prohibitions or permit or approval requirements specified under s.
7 29.601, 30.11, 30.12, 30.123, 30.19, 30.195, 30.20, 59.692, 61.351, 62.231, or 87.30 or
8 chs. 281 to, 283, except permit requirements specified under s. 283.33, 285 or 289 to
9 299. However, at the earliest practical time prior to the commencement of these
10 activities, the department of transportation shall notify the department of the
11 location, nature, and extent of the proposed work that may affect the waters of the
12 state.

✓ 12
INS
2-12-13
(END)

2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1042/2ins.
RNK:.....

INSERT ANALYSIS

Under current law, the Department of Natural Resources (DNR) regulates certain activities that occur in or near navigable waters and also administers various environmental laws. In order for a person to conduct an activity in or near a navigable water or to discharge certain pollutants into the air or waters of this state, the person may be required to obtain one or more permits from DNR. Among the environmental permits that DNR issues are storm water discharge permits.

* Current law exempts the Department of Transportation (DOT) from obtaining certain navigable waters permits and certain environmental permits affecting waters of this state including storm water discharge permits. The exemptions apply to activities affecting waters of this state that are carried out under DOT's direction and supervision, such as the construction of a highway or bridge (transportation activity), and are subject to certain conditions. Under these conditions, DOT must accomplish the transportation activity in accordance with interdepartmental liaison procedures established by DOT and DNR for the purpose of minimizing the adverse environmental impact of the activity. DOT and DNR must also exchange information and cooperate in planning and carrying out DOT activities in order to alleviate potential detrimental encroachment on the waters of the state.

* This bill requires DNR to issue a general permit that authorizes DOT to discharge storm water from the site of a transportation activity. The bill provides that, instead of being exempt from any requirement to obtain a storm water discharge permit, DOT must obtain coverage under the general permit required to be issued by DNR under this bill. The bill specifies that a transportation activity covered by a storm water general permit is subject to the interdepartmental liaison procedures that apply under current law to DOT transportation activities.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

INSERT 2-12

1 SECTION 1. 30.2022 (1) of the statutes is renumbered 30.2022 (1m) (a) and
2 amended to read:

3 30.2022 (1m) (a) Activities Except as provided in par. (b), transportation
4 activities affecting waters of the state, as defined in s. 281.01 (18), ~~that are carried~~
5 ~~out under the direction and supervision of the department of transportation in~~
6 ~~connection with highway, bridge, or other transportation project design, location,~~
7 ~~construction, reconstruction, maintenance, and repair~~ are not subject to the

1 prohibitions or permit or approval requirements specified under s. 29.601, 30.11,
2 30.12, 30.123, 30.19, 30.195, 30.20, 59.692, 61.351, 62.231, or 87.30 or chs. 281 to 285
3 or 289 to 299. However, at the earliest practical time prior to the commencement of
4 these transportation activities, the department of transportation shall notify the
5 department of the location, nature, and extent of the proposed work that may affect
6 the waters of the state.

History: 2003 a. 118 ss. 48 to 53, 129; 2005 a. 347; 2011 a. 118.

7 **SECTION 2.** 30.2022 (1g) of the statutes is created to read:

8 30.2022 (1g) In this section, "transportation activity" means an activity carried
9 out under the direction and supervision of the department of transportation in
10 connection with highway, bridge, or other transportation project design, location,
11 construction, reconstruction, maintenance, or repair.

12 **SECTION 3.** 30.2022 (1m) (b) of the statutes is created to read:

13 30.2022 (1m) (b) Beginning on the date on which the department of natural
14 resources issues a general permit under s. 283.35 (1g), the department of
15 transportation may not discharge storm water from the site of a transportation
16 activity unless it is authorized to proceed with that discharge under a general permit
17 issued under s. 283.35 (1m) (1g).

18 **SECTION 4.** 30.2022 (2) of the statutes is amended to read:

19 30.2022 (2) The exemption under sub. (1) does not apply, and the department
20 of transportation may not proceed under a general permit issued under s. 283.35
21 (1m) unless the transportation activity is accomplished in accordance with
22 interdepartmental liaison procedures established by the department and the
23 department of transportation for the purpose of minimizing the adverse
24 environmental impact, if any, of the transportation activity. If the transportation

1 activity affects a wetland, as defined in s. 23.32 (1), the department of transportation
2 shall conduct any required mitigation either by complying with the
3 interdepartmental liaison procedures and any applicable interagency agreement on
4 mitigation banks that is approved by the department of natural resources or by using
5 any of the methods specified in s. 281.36 (3r) (a) 1. to 3.

History: 2003 a. 118 ss. 48 to 53, 129; 2005 a. 347; 2011 a. 118 ✓

6 **SECTION 5.** 30.2022 (3) of the statutes is amended to read:

7 30.2022 (3) If the department determines that there is reasonable cause to
8 believe that ~~an~~ a transportation ✓ activity being carried out under this section is not
9 in compliance with the environmental protection requirements developed through
10 interdepartmental liaison procedures, it shall notify the department of
11 transportation. If the secretary and the secretary of transportation are unable to
12 agree upon the methods or time schedules to be used to correct the alleged
13 noncompliance, the secretary, notwithstanding the exemption provided in this
14 section or coverage under a general permit issued under s. 283.35 (1g) ✓, may proceed
15 with enforcement actions as the secretary deems appropriate.

History: 2003 a. 118 ss. 48 to 53, 129; 2005 a. 347; 2011 a. 118 ✓

16 **SECTION 6.** 30.2022 (4) of the statutes is amended to read:


17 30.2022 (4) The department of transportation and the department shall
18 exchange information and cooperate in the planning and carrying out of ~~such~~
19 transportation ✓ activities in order to alleviate, to the extent practical under the
20 circumstances, any potential detrimental encroachment on the waters of the state.

History: 2003 a. 118 ss. 48 to 53, 129; 2005 a. 347; 2011 a. 118 ✓

21 **SECTION 7.** 30.2022 (6) of the statutes is amended to read:

22 30.2022 (6) This section does not apply to transportation ✓ plain activities in the Lower
23 Wisconsin State Riverway, as defined in s. 30.40 (15).

History: 2003 a. 118 ss. 48 to 53, 129; 2005 a. 347; 2011 a. 118.



1 **SECTION 8.** 283.35 (1g) of the statutes is created to read:

2 283.35 (1g) TRANSPORTATION ACTIVITIES. (a) In this subsection, "transportation
3 activity" has the meaning given in s. 30.3022 (1g).

4 (b) Instead of issuing a separate permit to the department of transportation
5 authorizing the department of transportation to discharge storm water from a
6 transportation activity site, the department of natural resources shall issue a
7 statewide general permit authorizing that discharge. A transportation activity
8 covered under a general permit issued under this subsection is subject to the
9 interdepartmental liaison procedures established under s. 30.2022 (2). The
10 department of natural resources shall issue a general permit under this paragraph
11 on or before the first day of the 10th month beginning after the effective date of this
12 paragraph....[LRB inserts date].

(end ins 2-12)